

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JERRY R. TIPPETT,

Petitioner,

Case No. 2:16-cv-1584-CL

v.

ORDER

JOHN MYRICK, Superintendent  
of TRCI,

Respondent.

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MCSHANE, Judge:

Magistrate Judge Mark D. Clarke filed a Findings and Recommendation (ECF No. 110), and the matter is now before this court. *See* 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Petitioner filed objections to the Findings and Recommendation. Accordingly, I have reviewed the file of this case *de novo*. *See* 28 U.S.C. § 636(b)(1)(c); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9<sup>th</sup> Cir. 1981). I find no error and conclude the report is correct.

Magistrate Judge Clarke's Findings and Recommendation (ECF No. 110) is adopted. Petitioner's Motion for an Evidentiary Hearing (ECF No. 64) is DENIED. The Petition (ECF No. 67) is DENIED and this action is DISMISSED, with prejudice. As Petitioner has not made a

substantial showing of the denial of a constitutional right, the Court declines to issue a certificate of appealability.

IT IS SO ORDERED.

DATED this 28th day of December, 2020.

/s/ Michael J. McShane  
Michael McShane  
United States District Judge